

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRYL N. JONES,

No. C 11-06698 SBA (PR)

Petitioner,

**ORDER GRANTING IN FORMA  
PAUPERIS STATUS AND DIRECTING  
RESPONDENT TO SHOW CAUSE WHY  
THE PETITION SHOULD NOT BE  
GRANTED**

v.

GARY SWARTHOUT, Warden,

Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner also seeks leave to proceed in forma pauperis. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. Petitioner's application to proceed in forma pauperis is GRANTED.
2. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.
3. Respondent shall file with this Court and serve upon Petitioner, within **one-hundred and twenty (120) days** of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records

1 that have been transcribed previously and that are relevant to a determination of the issues presented  
2 by the petition.

3 4. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with  
4 the Court and serving it on Respondent within **sixty (60) days** of his receipt of the Answer. Should  
5 Petitioner fail to do so, the petition will be deemed submitted and ready for decision **sixty (60) days**  
6 after the date Petitioner is served with Respondent's Answer.

7 5. Respondent may file with this Court and serve upon Petitioner, within **sixty (60) days**  
8 of the issuance of this Order, a motion to dismiss on procedural grounds in lieu of an Answer, as set  
9 forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If  
10 Respondent files such a motion, Petitioner shall file with the Court and serve on Respondent an  
11 opposition or statement of non-opposition to the motion within **sixty (60) days** of receipt of the  
12 motion, and Respondent shall file with the Court and serve on Petitioner a reply within **fifteen (15)**  
13 **days** of receipt of any opposition.


14 6. It is Petitioner's responsibility to prosecute this case. Petitioner must keep the Court  
15 and Respondent informed of any change of address and must comply with the Court's orders in a  
16 timely fashion. Petitioner must also serve on Respondent's counsel all communications with the  
17 Court by mailing a true copy of the document to Respondent's counsel.

18 7. Extensions of time are not favored, though reasonable extensions will be granted.  
19 Any motion for an extension of time must be filed no later than **ten (10) days** prior to the deadline  
20 sought to be extended.

21 8. This Order terminates Docket no. 2.

22 IT IS SO ORDERED.

23 DATED: 1/19/12

  
24 SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 DARRYL N JONES,  
5 Plaintiff,

Case Number: CV11-06698 SBA

6 v.

**CERTIFICATE OF SERVICE**

7 GARY SWARTHOUT et al,  
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on January 23, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Darryl N. Jones G-49981  
16 California State Prison - Vacaville  
17 P.O. Box 4000  
18 Vacaville, CA 95696

19 Dated: January 23, 2012

20 Richard W. Wieking, Clerk  
21 By: LISA R CLARK, Deputy Clerk  
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United States District Court  
For the Northern District of California